

**RECEIVED**

**OCT 23 2002**

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

**MICHAEL W. DOBBINS, CLERK  
UNITED STATES DISTRICT COURT**

United States of America ex rel.,  
SHAWN EDWARDS, B54402,  
Petitioner,

vs.

DONALD SNYDER, (Director),  
JERRY L. STERNES, (Warden) et al.,  
Respondant.

**02C 7632**

JUDGE DARRAH

MAGISTRATE JUDGE ASHMAN

Case No. of state  
Court Conviction:  
93 cr 2364

PETITION FOR WRIT OF HABEAS  
CORPUS 28 U.S.C.A § 2241,  
(INSTANTER)

**FILED  
OCT 24 2002**

NOW COMES Petitioner, SHAWN EDWARDS, pro se in his petition for Habeas Corpus relief 28 U.S.C.A. § 2241 (INSTANTER) where he is being unlawfully detained in violation of the Fourteenth Amendment of the U.S. Constitution and the Fourth Amendment of the U.S. Constitution.

This Honorable Court has jurisdiction to hear the claims presented where the state court has failed to recognize and/or grant relief for state and Federal violations that are contrary to, or an unreasonable application of clearly established Federal law as defined by the United States Supreme Court.

Petitioner's claim is that the Department of Corrections no longer has jurisdiction to detain him in violation of the law.

JURISDICTION

This Honorable Court has Jurisdiction to grant relief where an individual is "in custody in violation of the Constitution or laws or treaties of the United States". 28 U.S.C. 2241(c)(3) (EMPHASIS ADDED) see also 28 U.S.C. § 2254(a).

ISSUES PRESENTED

- 1) Whether under the Fourth Amendment of the U.S. Constitution an individual is in "custody" for the purposes of seizure.
- 2) Whether an Administrative agency under the Executive branch of Government can modify and/or add additional time to an individual without violating the separation of powers clause and without violating Due process where no infraction has occurred.

DOCKETING STATEMENT

On January 3, 2001 a petition for Habeas Corpus was filed in the circuit Court of Cook County in regards to the improper application of the term of Mandatory Supervised Release.

On February 14, 2002 a motion for leave to file first amended Habeas Corpus petition showing Jurisdiction was filed.

On September 18, 2000 a motion for amended mittimus was filed pertaining to credit for time under bond conditions pursuant the Fourth Amendment.

On January 8, 2001 a motion for an order of Nunc Pro Tunc was filed in regards to the application of the MSR term.

Petitioner brings his claims as he is entitled to be released where the Department of Corrections are without jurisdiction to detain him beyond that Judicially imposed.

STATEMENT OF FACTS

Petitioner was placed in custody on January 1, 1993 and sentenced to a term of twenty-years under 38 § 1003-6-3(a)(2) before the Honorable Ronald Himel March 23, 1994. see mittimus

On January 11, 1996, petitioner was released on bond conditions pending a new trial and remain under those conditions until placed back into actual custody on November 18, 1997.

Petitioner ~~later~~ filed a motion for amended mittimus requesting that time be credited while under bond conditions under the fourth Amendment. see exhibit

Petitioner filed a motion for Nunc Pro Tunc requesting that the sentencing Court correct the mittimus to accurately reflect that the Mandatory Supervised Release be inclusive within the term imposed by the Court.

Petitioner filed a Habeas Corpus pursuant Article X of the Code of civil procedure challenging the application of the term to his Judicially imposed sentence. where petitioner has a clear entitlement to the rehabilitative process.

Petitioner presents his claims as he has served his term imposed in accord with the Judicial order having earned 90 days good time that would have entitled him to be released August 7, 2002. see mittimus and meritorious good time sheet

### ARGUMENT

The Illinois Department of Corrections can not add additional time to petitioners sentence without infraction and without going before a Judiciary.

At bar, exhibit (B) shows that the department of corrections has added an additional 1 year 10 months and 12 days to petitioners sentence in violation of the fourteenth amendment due process and in violation of the fourth amend. and Art. II § 1 separation of powers clause.

As to the fourth amendment claim, petitioner was released on bond conditions on January 11, 1996. see orders entered C8-C9 From that time until November 18, 1997 petitioner remained seized pending an answer to the states charge.

The Court in U.S. v. Albright, 510 U.S. at 290 recognized that movement is restrained when seizure occurs or bond terms are imposed.

During the above time frame, petitioner was under Illinois law 725 ILCS 5/110-10 where that section of the code provides that petitioner was seized under Governmental Authority as defined by, Justices of Boston Municipal Court v. Lydon, 466 U.S. at 301.

An individual under these conditions remain under constructive custody so as long as he/she is bound to appear in court to answer the states charge. Hensley v. Municipal Court, 36 L.Ed.2d 294; Reimnitz v. States Attorney of Cook County, 761 F.2d 405, 408 (7th cir. 1985).

The Fourth Amendment of the U.S. constitution provides:  
The right of the people to be secure in their person, houses,  
papers, and effects against unreasonable search and seizures,  
shall not be violated and no warrants shall issue, but upon  
probable cause, supported by oath or affirmation, and particularly  
describing the place to be searched, and the things to be seized.

This concept incorporates within the Ill.const. 1970, Art. 1 § 2.  
due process safeguards. Accordingly, petitioner was placed in  
custody January 1, 1993 and sentenced to a term of twenty-years  
under the unified code of corrections 38 ¶ 1003-6-3(a)(2) earning  
day for day with a discharge date of January 1, 2003 in light no  
infractions had occurred. Petitioner has further earned 90 days  
meritorious good time which would have entitled him to be released  
August 7, 2002. see attached

The Department of Corrections has no authority to enhance a  
sentence where no infraction has occurred, beyond the judicially  
imposed term. Due to the fact that the department has recalculated  
petitioner's time to be that of August 7, 2004, (see exhibit B) it  
has enhanced the sentence without affording any procedural safe-  
guards with no judicial determination or judicial order authorizing  
such enhancement.

Fairness, the core meaning of our due process guarantees (see  
U.S. Const., amend. XIV; Ill. Const. 1970, art. I § 2), is a flexible  
concept which calls for procedural safeguards tailored to the  
demands of a particular legal context. Morrissey v. Brewer, 408 U.S.  
471, 481, 92 S.Ct. 2593, 2600, 33 L.Ed.2d 484, 494 (1972).

Where as in the instant case, petitioner is protected by the Fourteenth Amendment Due process clause, it would be violated if an administrative agency under the Executive branch of Government is allowed to impose, modify, or recalculate a sentence imposed by a Judicial Court of law. To do such, not only violates Due process, but also subject's petitioner to a violation of the Eighth Amendment [Cruel and unusual punishment].

Under the United States Constitution Amendment (XIV) section 1. All persons born or naturalized in the United States, and subject to the Jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

At bar, the Illinois Department of Corrections has infringed upon the authority of the Judiciary and in doing such has violated petitioners Fourteenth Amendment Due process right by assuming the role of a Judiciary and imposing an additional 1 year 10 months and 12 days where no Judicial order has authorized such enhancement.

This Honorable Court has the authority to enforce the law as defined by the United States Supreme Court, Hensley v. Municipal Court, 411 U.S. 345, 351, 93 S.Ct. 1571, 36 L.Ed.2d 294 (1973). recognizing that a person on bail is still in custody.



A Federal Court may grant a writ of Habeas Corpus when, under a state court judgment, a person is held in custody in violation of the United States Constitution. 28 U.S.C. § 2254(d)(1).

At bar, petitioner would have been released August 7, 2002 without the Department's [in-personam] recalculation. The additional time imposed by the Department should be held void on its face where, authority to impose sentence to a penal institution is purely a Judicial function and such authority may not be delegated to an Executive branch of Government.

Chief Justice Rehnquist announced in Albright v. Oliver, 510 U.S. 266, 127 L.Ed.2d 114, 114 S.Ct. 807, "[w]here a particular Amendment 'provides an explicit textual source of Constitutional protection' against a particular sort of governmental behavior, 'that Amendment, not the more generalized notion of "substantive due process", must be the guide for analyzing these claims.

At bar, the recalculation of petitioner's time by this governmental agency has denied petitioner's procedural due process guaranteed by the Fourteenth Amendment where in order to increase the term imposed by the Court in a penal institution, there must be some infraction that has occurred or a Judicial order authorizing such enhancement.

Petitioner has a clear entitlement to be released as he has served his Judicially imposed term for the purposes of 'seizure' under the Fourth Amendment as clearly established by the Supreme Court.

Supreme Court decisions provide that a seizure is a show of authority that restrains the liberty of a citizen, see, e.g. California v. Hodari D., 499 U.S. 621, 625-27, 111 S.Ct. 1547, 1550-51, 113 L.Ed.2d 690 (1991), or a "government termination of freedom of movement intentionally applied". County of Sacramento v. Lewis, 118 S.Ct. 1708, 1715 L.Ed.2d 1043 (1998). The case law also shows that actual physical touching is not required to effect a seizure. Hodari D., 499 U.S. at 626, 111 S.Ct. at 1551.

Although, an arrest that results in detention or being confined in a cell may be the most common types of seizure, Force, however, lies behind the Court's commands as it lies behind a policeman's "Stop". Petitioner's physical motion was subjected to authority that had the effect of making him halt. Thus, the Supreme Court concluded, that the limited scope of seizure in a case such as this, is germane to damages, not liability.

Several Court's have held that an individual that is free to move about in his own state cannot be seized. However, the Supreme Court, rejected that theory because a person on bail restrictions is under restraint and failure to obey the conditions or appear to answer the states charges, constitutes a criminal offence under state law. Justice of Boston Municipal Court v. Lydon, 466 U.S. 294, 80 L.Ed.2d 311, 104 S.Ct. 1805.

Clearly, it cannot be said, that if petitioner had not complied and appeared in Court when summoned on November 18, 1997 [that a warrent would not have issued]. Petitioner has complied with all conditions at that time and has a clear entitlment to be deemed time served as established by the Supreme Court. [Fourth Amend.

Based on Federal law established by the Supreme Court, this very Court granted a writ of Habeas Corpus on a synonymous claim.in 1998. In the case of U.S. EX REL. RIVERA v. SHERIFF OF COOK COUNTY, 8 F.Supp.2d 763 (N.D.Ill. 1998), the District Court, Grady,J.,found that Rivera was in the custody of the respondant while he was on bond,for the purposes of Habeas Corpus,based on the reasons previously stated in this petition.

As in the above cited case,petitioner in this case was also granted a new trial based on actual innocence and placed under bond conditions just like Rivera,under the authority of the Court of Cook County and the Sheriff of Cook County.

It is paramount that this Honorable Court enforce the law as clearly established by the United States Supreme Court. To the case at bar,based on the circumstances and the law on point, to deny petitioner would violate the equal protection clause under the Fourteenth Amendment of the United States Constitution:

While petitioner was under the authority of the circuit Court of Cook County and the Sheriff of that County,pending trial, he was "in custody" as defined by the Supreme Court. Physical imprisonment is not required, so long as a petitioner suffers from substancial restraints not shared by the general public. Maleng v. Cook,490 U.S. at 491,109 S.Ct. at 1925.

The recalculation by the department has resulted in detaining petitioner beyond the Judicial order in violation of the law.

The Illinois Department of Corrections can not impose/attach an additional term after completion of the sentence imposed by the Judicial branch of Government.

At bar, the sentencing Judge complied with the Fourteenth Amend. of the U.S. Const., and the Ill. Const. Article I § 11, where all penalties shall be determined both according to the seriousness of the offence and with the objective of restoring the offender to useful citizenship.

This Honorable Court may take Judicial notice that the trial Court heard mitigating and aggravating circumstances and determined petitioner's sentence to be that of the minimum statutory range and in doing so, the Court explicitly stated he would give a lessor term if he could. (see sentencing trans. 16)

Petitioners claim is that the term of Mandatory Supervised Release (hereafter MSR) is to be applied "Inclusive" within the Judicially imposed sentence in accord with State law 38 IllCS 1005-8-1 (d) where it states, ...as though written therein...

This procedure is very similar to that of the Federal Criminal Procedure's Supervised Release. (see: 18 U.S.C. § 3583 et seq.) Just as pursuant the Sentencing Reform Act of 1984, § 212(a)(2), 98 Stat. 1999, eliminated most forms of parole in favor of Supervised Release, Gozlon-Peretz v. United States, 112 L.Ed 2d 919, so did the Illinois sentencing law on February 1, 1978 as a result of Public Act 80-1099 under house bill 1500. Which converted Illinois from a system of indeterminate to determinate sentencing.

The application of the term of (MSR) is unconstitutionally being applied after petitioners sentence has expired by an administrative agency where in this case the sentencing Court imposed a fixed term under statute 38 ¶ 1003-633(a)(2).

As in the logic of Apprendi, 120 S.Ct. at page 2365,...the relevant inquiry is not one of form, but of effect-does the application by the Department of Corrections expose petitioner to a greater punishment than the one covered by the sentencing Court.

This administrative application is a blatantly clear violation of the separation of powers clause, Art. II § 1, where no branch shall exercise powers properly belonging to another. It is also a violation of the Fourteenth Amendment of the U.S. Const., where no person shall suffer the onus of a punishment without due process of law.

Under Illinois Statute, 730 ILCS 5/3-3-7(d) the only authorization to add additional time to an individuals term is after revocation under Section 3-3-9. At bar, petitioner has never been on supervised release and has not violated any prison rules nor any laws of this state. The law is clear that unless some infraction has occurred an administrative agency can not infringe upon the Judicial order in any way.

Further, section 730 ILCS 5/3-3-7(d) and 3-3-9 should be held unconstitutional where to delegate authority to an administrative agency to modify and/or enlarge the conditions of (MSR) violates and infringes upon the Judicial order and 14th Amend. due process.

Prior to the Amendatory Act of 1978, an offender was sentenced to an "indeterminate" sentence giving the Parole Board and/or the D.O.C. statutory authorization to award or deduct credit in three ways: good conduct, meritorious service, and work performance.

Consequently to the possibility of abuse, Legislation called for the replacement of this complicated, administratively-derived schedule of good conduct credits with a simple statutory formula which provided for the award of one day of "good-conduct" good-time credit for each infraction free day spent in prison. This approach ultimately was adopted in the Act. see Pub. Act 80-1099 (codified at Ill. Rev. Stat. ch. 38 § 1003-6-3(a)(1)(2)).

Unlike the indeterminate sentence, Determinate sentences call on the sentencing Judge to impose fixed terms on offenders. Since there were no minimum and maximum terms under the new sentencing scheme, Johnson v. Fransen, 77 Ill.2d 513, the only possible interpretation, if the sentencing Judge did not impose the term to be followed "after" the twenty-year sentence, is that it be "Inclusive" within the Judicially imposed sentence.

Although Parole has been abolished, Supervised Release like parole, is an integral part of the punishment for the underlying offence. United States v. Paskow, 11 F.3d at 881; see id. at 883. Under each, a defendant serves a portion of a sentence in prison and a portion under supervision outside prison walls. U.S. v. Meeks, 25 F.3d at 1121.

In its most logical sense, if the Legislation of the State of Illinois in passing this Act, intended for the term to be applied

"after" the completion of every sentence then it most certainly would infringe on the function of the Judicial branch and in such, violate the "Ex post facto law" U.S. Const. art. I § 9 cl.3, where since an offender is now required to serve his entire sentence imposed by the Court which would delinquish the rehabilitative process guaranteed by the Fourteenth Amend., Ill. Const. art. I § 11. Miller v. Florida, 96 L.Ed.2d 351.

At bar, the application of the (MSR) term by the Department of Corrections is problematic. It has been clearly established by the United States Supreme Court that the purpose of supervised release is to "ease the defendant's transition into the community after service of a long prison term, or to provide rehabilitation. see Johnson v. United States, 146 L.Ed.2d at 741.

Just as in the logic of the old system of parole, Supervised Release is a lower grade of punishment by confinement in the legal custody outside the prison, for confinement within the prison by the Court. Jenkins v. Madigan, 211 F.2d 904.

To assume that a term of (MSR) applies after the completion of sentence beyond that imposed, is to infringe upon the authority of the sentencing Court by an administrative agency. It was this investing of an administrative agency with the power to modify the judgment of a Court which was held to violate our separation of powers clause. see 380 Ill. 596, 608-09, 44 N.E.2d 569.

Under the Federal Habeas Statute, a state court's finding of fact are presumptively correct. 28 U.S.C. § 2254(e)(1) As such, the sentencing order of the court is presumptively correct and

should not be disturbed by an administrative agency where no infraction or criminal offence has occurred.

A Federal court may grant a writ of habeas corpus when, under a state court judgment, a person is held in custody in violation of the United States Constitution. 28 U.S.C. § 2254(1996): Bocain v. Godinez, 1010F.3d 465,468 (7th cir.1996).

At bar, petitioner filed numerous petitions in regards to the claims presented and it would be futile to continue this merry-go-round in the state court's as petitioner has served his term and where the sentencing Judge is now retired from the bench.

#### CONCLUSION

Petitioner respectfully request's that this Honorable Court enter an order;

1. As to claim one, entitling him to credit for time under bond conditions as provided by the Fourth Amendment of the U.S. Constitution.
2. As to claim two, enter an order that would reflect that the Mandatory Supervised Release be Inclusive within the Judicially imposed sentence.

Respectfully submitted,

Shawn Edwards  
Pro se Petitioner  
2600 N. Brinton, ave.  
Dixon, Ill. 61021



APPENDIX

Sentencing transcript

Calculation sheet

Order of sentence and commitment

Meritorious good time sheet

Memorandum by I.D.O.C. (Exhibit B)

Orders of the circuit Court C8,C9

Filed petitions in the circuit Court

Report of proceedings

State of Illinois )  
County of Lee ) ss  
)

AFFIDAVIT

Petitioner being first duly sworn deposes and states the following:

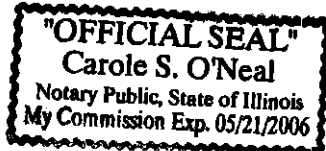
1. I am the Petitioner in the entitled cause.
2. I, the petitioner bring the petition for Habeas Corpus Relief (INSTANTER) where to continue to pursue this claim in the state court would be futile as petitioner only has [according to the calculation of the department of corrections] 21 months before release.
3. While petitioner was under bond conditions he lead a law abiding life working and providing for his family.
4. Petitioner is a United States Veteran having served in the U.S. Navy during the Gulf war and recieving an HONorable discharge.
5. Petitioner believes he is entitled to equal protection under the law and is entitled to Immediate release, as he has served his term as defined by the U.S. Supreme COURT.

Subscribed and sworn before

me this 17<sup>th</sup> day of Oct. 2002

Carole S. O'Neal  
NOTARY PUBLIC

Shawn Edwards  
Signature



6. As a result of being under the restraint while on bond in 1996 petitioner sustained damages of loss of employment. Petitioner was hired at Apple Computer Corp. in 1996 in OakBrook, Illinois. Upon a backgroud check, petitioner was fired.

Petitioner also sought employment at O'Hare International Airport, but could not clear Customs due to being under restraint's pending trial.

Petitioner has suffered substantial loss not shared by the general public.

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DD Form 214, NOV 88 S/N 0102-LF-006-5500 Previous editions are obsolete. SERVICE

ORDER

CCG-2

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

FILED

DEC 11 1995

AURELIA PUCINSKI  
CLERK OF THE CIRCUIT COURT  
CRIMINAL DIVISION

PEOPLE

v.

SHAWN EDWARDS

NO.

93-2364

ORDER

THIS CASE COMING TO BE HEARD ON  
PETITIONER'S POST CONVICTION PETITION, THIS  
COURT HAVING REVIEWED ALL WRITTEN MATERIALS  
SUBMITTED INCLUDING A REHABILITATION AFFIDAVIT OF A  
KEY STATE WITNESS, HAVING JURISDICTION, AND BEING  
FULLY ADVISED IN THE PREMISES,

IT IS HEREBY ORDERED THAT:

- 1) THE POST CONVICTION ~~PETITION~~ PETITION IS GRANTED;
- 2) ~~DEFENDANT'S~~ DEFENDANT'S CONVICTION AND SENTENCE IS  
VACATED;
- 3) DEFENDANT IS GRANTED A NEW TRIAL;
- 4) THE STATE SHALL WRIT IN DEFENDANT ON 12/26/95  
FOR FURTHER PROCEEDINGS.

Atty No. 30295

Name Rita A. Fry

Attorney for Shawn Edwards

Address 2240 W. 11th St.

City Chicago IL 60612

Telephone (312) 788-5313

Asst. Harold J. Wright  
Cook Co. Prob. Def. for Tom Cosgrove

ENTER

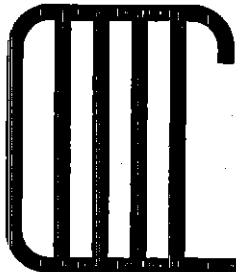
Judge

Judge's No.

A-13

280

EXHIBIT (B)



**Illinois**  
Department of  
**Corrections**

**George H. Ryan**  
Governor

**Donald N. Snyder Jr.**  
Director

Dixon Correctional Center / 2600 N. Brinton Avenue / Dixon, IL 61021 / Telephone: (815) 288-5561 / TDD: (800) 526-0844

**MEMORANDUM**

DATE: 12-31-01

TO: Shawn Edwards, B54402  
29-33

FROM: *Lorie Kennay*  
Lorie Kennay, Office Administrator IV  
Record Office

SUBJECT: MSR Term

As you are aware, you were released from IDOC custody on 1-12-86 on Bond and did not return to custody until 11-18-97. Since your sentence was not reduced or overturned, the 1 year 10 months and 12 days that you were in the free community is added to your sentence. You have not been in continuous custody since 1-1-93, which is your original custody date ordered on March 23, 1994.

On the current release date of 8-7-2004, you will be required to do a complete 3-year MSR term per statute 730ILCS5/5-8-1(d).

I trust this addresses your concerns.

/master file

*Exhibit A Claim Three MSK*

*VOLUME 2  
Sentencing*

1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF C O O K )

4 IN THE CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT-CRIMINAL DIVISION

5 THE PEOPLE OF THE )  
6 STATE OF ILLINOIS )  
7 vs. ) No. 93 CR 2364  
8 SHAWN EDWARDS ) Charge: Murder  
9 )

10 REPORT OF PROCEEDINGS had in the  
11 trial of the above-entitled cause, before the Honorable  
12 RONALD A. HIMEL, Judge of said Court, on Tuesday, the  
13 11th day of January, A.D. 1994.

14 PRESENT:

15 HON. JACK O'MALLEY,  
16 State's Attorney of Cook County, by  
17 MESSRS. KEVIN BYRNE and RICHARD CRUSOR,  
Assistant State's Attorneys,  
18 appeared for the People;

19 MR. BARRY SPECTOR,  
Attorney-at-law,  
20 appeared for the Defendant.

21  
22 LINDA K. MADISON, CSR  
23 OFFICIAL COURT REPORTER  
2650 South California  
24 Chicago, Illinois 60608

1 sure that this is not the end of these proceedings.  
2 There's certainly an appealable issue involved in this  
3 case. Certainly the lawyers argued long and hard on  
4 their position citing many cases just like you and your  
5 friends feel. And that's the wonderful thing about  
6 this country is you have the right to express your  
7 opinion and no one can every take that right away from  
8 you, but I also as a judge am sworn to follow the law  
9 and decide the cases based upon the law as I understand  
10 it and the facts in the particular case.

11 And I have to tell you one of the things that  
12 affected my decision most was the defendant's testimony  
13 about firing the gun in the air, the other witnesses'  
14 testimony about where the gunshot actually lodged and  
15 the way in which it was pointed. So there's a little  
16 conflict in the testimony. *Resolved AT P.C. HEARING*  
*See P. 66*

17 MS. EDWARDS: May I say this? The way I  
18 understand it --

19 THE COURT: I heard the evidence. I heard all the  
20 evidence. I don't want to rehash the evidence. I'm  
21 just saying basically if I could do anything at this  
22 moment to implement things you are asking me to do, I  
23 would do them in a second, but that would violate the  
24 conscience and my trust in myself and my trust in my



1 decisions and you have to do them within our own  
2 conscious, and you have to live with yourself, and you  
3 have to go home every night and think about what you  
4 did.

5 In the final analysis, we can only judge  
6 ourselves. Either you feel you are a good person and  
7 you can live with yourself, or you feel you have done  
8 the right thing. You have listened to the facts, and  
9 only you can judge your own personality, and only this  
10 young man is going to have to judge what he did on that  
11 night. I believe the facts showed murder.

12 MS. EDWARDS: Is that in considering your sentence  
13 that I ask that you please show mercy.

14 \* THE COURT: I'm going to give him the minimum  
15 sentence required by law. That's all that I can do.  
16 If I could give him less, I would. If I could plan out  
17 some structured situation where I personally could take  
18 charge along with yourself and all those ministers'  
19 help, I would do it. I would get involved myself if I  
20 could.

21 The lawyers I see have done such a great job  
22 in amassing all this interest in the community; all the  
23 facts that what you brought to them. In the real final  
24 analysis, facts do make great lawyers, and the way the

1 facts came out in this case, and this is the hardest  
2 area of the law, this is the gray area, we are talking  
3 about the mental state of an individual at an instant a  
4 crime is committed. It's difference of one or two facts  
5 in the scenario that changes a homicide from murder to  
6 manslaughter. Refer to P.C.(B5)

7 Ma'am, let me say my heart goes out to you.  
8 I know there are so many more deserving people that  
9 belong in the penitentiary. From what you tell me,  
10 this young man is not one of those individuals that  
11 need to be in the penitentiary. So let me assure you  
12 if there's anything I can do to help or say in changing  
13 that situation, I will do it.

14 MS. EDWARDS: Thank you, your Honor.

15 THE COURT: Anything you would like to say, young  
16 man?

17 DEFENDANT EDWARDS: Yes, sir. First of all, I  
18 want to apologize, and I highly regard you as a judge  
19 and respect you. The letter I wrote was really out of  
20 frustration because I feel -- I felt --

21 THE COURT: Let me just say this to you before you  
22 go on. You can comment, let me assure you that one of  
23 the things that I cherish most about my life is the  
24 fact I was a public defender, and one thing I learned

1 in the years as a public defender is that you are  
2 sitting over there locked up in a place, and I'm sure  
3 in your own heart that you believe this was a  
4 accident.

5 I have no problem with anything you might say  
6 or do. That's your right. You are fighting for your  
7 very life, and again only you are going to be able to  
8 judge yourself. I can judge you and I can sentence  
9 you, but only you can look to what you are going to  
10 make out of a hard situation. You are going to accept  
11 this. You may accept the responsibility any way you  
12 like, but you know, you know the facts of this case  
13 better than anything.

14 So you want to say anything else go ahead.

15 DEFENDANT EDWARDS: Certainly I would want to  
16 apologize to any family members. I don't know if  
17 anyone is out there. I want it to be said I'm very  
18 sorry. Ricky was a close friend of mine. Everytime I  
19 think about it, I can't replace his life. I intend to  
20 dedicate my life; I promised to God to dedicate my life  
21 to people who I come in contact with to try to deter  
22 them from these type of situations, and a lot of that  
23 has been going on since I have been here. That's all I  
24 have been doing.

*EXHIBIT (A)*

1       THE COURT: I have one suggestion for you. All  
2 the years I have been in this building and all the  
3 things that coincide and all the things that I have  
4 suggested to someone, I suggest your next step is for  
5 someone to contact Reverend Baily.

6       Does anyone know who I'm talking about? I  
7 certainly will put you in the right direction to talk  
8 to Reverend Baily. If there's anything -- of course, I  
9 go over this with your attorney. I think they have  
10 done a marvelous job. So I would suggest that with the  
11 help of Reverend Baily, we might look into many of the  
12 options that are available based upon the fact that  
13 everybody is looking for alternative sentences, if they  
14 are an available.

15       And certainly based upon the letters and  
16 certainly the concern, I have to make a determination  
17 what is best for the community. This case no one is  
18 ever going to be happy about the outcome of this case.  
19 The facts in this case are so sad to the family and the  
20 victim. They are so sad to your family that there's  
21 not a right answer.

22       I'm having some success in this area. Judge  
23 Strayhorn had Reverend Baily probation challenge, a lot  
24 of good success stories. Here is a young man who

1 probably based upon his background and based upon the  
2 interest that I'm seeing here -- and we need so many of  
3 the leaders or the future leaders of our community are  
4 in the penitentiary. So many of the future leaders are  
5 in the wrong place. So many guns on the street. So  
6 many reasons why this happened. So many reasons why we  
7 have to stop this kind of conduct. You can't fire guns  
8 in the City of Chicago and not expect great  
9 consequences.

10 Anything that I can do or help you based upon  
11 those letters, whatever you need, don't hesitate to  
12 call me. If I can do it, I will.

13 The right sentence in this case is not the  
14 sentence that I'm about to impose. The only sentence  
15 that I know that I'm required to impose because of the  
16 law, it is the minimum sentence required by law.

17 Based upon everything I have heard in  
18 aggravation, and based upon the facts I heard in  
19 aggravation, based upon the facts in the case, based  
20 upon all the mitigation, based upon the extreme faith I  
21 place in the eloquence of your mom, your own eloquence,  
22 young man, the eloquence of your attorney, the only  
23 sentence that I can sentence is 20 years Illinois  
24 Department of Corrections.

1           Judgment on my finding.

2           You certainly are entitled to all time credit  
3 for all time spend in custody while awaiting trial.

4           You certainly have a right to appeal the  
5 sentence and judgment. You have 30 days from today's  
6 date to file with this court a notice of appeal and  
7 petition for stenographic transcript of these  
8 proceedings.

9           Good luck to you, young man. God bless you  
10 and good luck.

11          MR. SOLOCK: I'm prepared to file a notice of  
12 appeal today, and I ask the State Appellate Defender be  
13 appointed.

14          THE COURT: State Appellate Defender's office is  
15 appointed to write the appeal.

16          I think most of the work has been done by the  
17 cases cited on the defense side in this case. I'm  
18 sorry that -- let me say that I appreciate the job done  
19 by the Defense side, and sometimes when you feel so  
20 strongly because you knew many things I didn't and I  
21 was not privy to.

22          Certainly you knew the family, certainly you  
23 knew everything, and I certainly do appreciate how hard  
24 fought this case was, and I know now how incredible the

1 decision must appear when you work so hard.

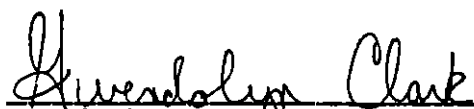
2 Thank you.

3  
4 (Which were all the proceedings had.)  
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1 STATE OF ILLINOIS )  
2 ) SS.  
3 COUNTY OF C O O K )

4 THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
5 COUNTY DEPARTMENT - CRIMINAL DIVISION

6 I, Gwendolyn Clark, Official  
7 Shorthand Reporter of the Circuit Court of Cook  
8 County Department-Criminal Division do hereby  
9 certify that I reported in shorthand the  
10 proceedings had at the hearing in the  
11 above-entitled cause; and that I thereafter  
12 caused to be transcribed into typewriting the  
13 foregoing transcript, which I certify is a  
14 true and correct transcript of said  
15 proceedings.

16 

17 Official Shorthand Reporter  
18 Circuit Court of Cook County.  
19  
20  
21  
22  
23  
24



IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Cook  
(County)

(Municipal) DEPARTMENT

Co. Crim Div  
(Division) NEW 15  
(Dis:)People of the State of Illinois  
v.  
Defendant

No.

93CR2364B544SHAWN EDWARDSORDER OF SENTENCE AND COMMITMENT TO  
ILLINOIS DEPARTMENT OF CORRECTIONS

The defendant having been adjudged guilty of committing the offenses enumerated below,

IT IS ORDERED that the defendant SHAWN EDWARDS  
be and he is hereby sentenced to the Illinois Department of Corrections as follows:On 3-23-94 the Honorable Ronald A. Hines  
sentenced the defendant to a term of  
TWENTY (20) years IDOC  
credit time served 1-1-93 to 3-23-94count 1 merges with count 2

Offense	Ch.	Sec.	Par.
<u>Murder ct 2</u>	<u>38</u>	<u>9-1</u>	<u>A2</u>
Offense	Ch.	Sec.	Par.
Offense	Ch.	Sec.	Par.
Offense	Ch.	Sec.	Par.

IT IS FURTHER ORDERED that the Clerk of the Court shall deliver a copy of this order to the Sheriff of Cook County.

IT IS FURTHER ORDERED that the Sheriff of Cook County shall take the defendant into custody and deliver him to the Illinois Department of Corrections.

IT IS FURTHER ORDERED that the Illinois Department of Corrections shall take the defendant into custody and confine him in manner provided by law until the above sentence is fulfilled.

PREPARED BY: M M' Namara  
Deputy ClerkDATED: 3-23-94 BRANCH CT. Rm 205ENTER: [Signature]  
Judge

## INSTRUCTIONS

CLERK is requested to insert in the appropriate spaces above (1) each sentence and conditions thereof, including the condition if the sentence shall run concurrently or consecutively, as the case may be, with other sentences imposed by the court in this case, or of sentences imposed by courts in other cases; and (2) fill in the following information:

Name and address of counsel for defendant M. S. [Signature]Police Individual Record No. 1014407 Illinois Bureau Identification No. 03160685

CLERK OF THE CIRCUIT COURT OF COOK COUNTY

2. DEPARTMENT OF CORRECTIONS COPY

01.07.422A-J

## SENTENCE CALCULATION WORK SHEET

TIME LOST ON APPEAL BOND WHEN SENTENCE IS DETERMINATE UNDER 1978 LAW

NAME Shawn Edwards NUMBER B 54402 DATE 10-20-98(STEP 1)

Yr.	Mo.	Day	
97	11	18	per verification of incarceration - Cook Co.
			(Recustody Date)
-	96	1	(Date Released on Bond)
	1	10	(Time Lost on Bond)

(STEP 2) (MITTIMUS NUMBER \_\_\_\_\_)

## PROJECTED OUT DATE

Yr.	Mo.	Day	
98	1	1	(Custody Date)
+	10		(Sentence Less G.C.C.)
	3003	1	(Projected Out Date or PRB Projected Out Date)
+or-			(Previous Time - Lost/Awarded)
	3003	1	(Projected Out Date)
+	1	10	(Time Lost on Bond)
	3004	11	(Adjusted Projected Out Date)

(STEP 3)

## MANDATORY OUT DATE \_\_\_\_\_

Yr.	Mo.	Day	
98	1	1	(Custody Date)
+	10		(Sentence)
	3003	1	(Mandatory Out Date or PRB Mandatory Out Date)
+	1	10	(Time Lost on Bond)
	3004	11	(Adjusted Mandatory Out Date)

Adj. Proj. Out Date 11-7-2004Adj. Mandatory Out Date 11-2-2004Calculated By \_\_\_\_\_Terminal Operator TLDate Entered 10-20-98

28-1

DC 1329

## MERITORIOUS GOOD TIME WHEN SENTENCE IS DETERMINATE UNDER 1978 LAW

NAME Shawn Schmidt NUMBER B54402 DATE 5-24-95

## (STEP 1)

Yr. Mo. Day

90MGT  
(Meritorious Good Time Awarded  
By The Director On 5-11-99)

## (STEP 2) (MITTIMUS NUMBER \_\_\_\_\_)

## PROJECTED OUT DATE

Yr. Mo. Day

93 1 1

(Custody Date)

(Sentence Less G.C.C.)

+ 102003 1 1(Projected Out Date or  
PRB Projected Out Date)For 1 10 6

(Previous Time (Lost) Awarded)

2004 11 7

(Projected Out Date)

(Meritorious Good Time)

2004 8 7

(Adjusted Projected Out Date)

## (NOTATION)

Yr. Mo. Day

(Recustody Date)

(Bond, Escape, Etc.)

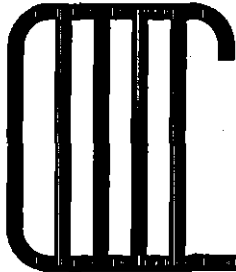
(Time Lost)

Adj. Proj. Out Date 8-7-2004Terminal Operator TRCalculated By BDate Entered 5-24-95

DC 1329 (Rev.10/96)

IL 426-00529

Exhibit (B)



**Illinois**  
Department of  
**Corrections**

**George H. Ryan**  
Governor

**Donald N. Snyder Jr.**  
Director

Dixon Correctional Center / 2600 N. Brinton Avenue / Dixon, IL 61021 / Telephone: (815) 288-5561 / TDD: (800) 526-0844

**MEMORANDUM**

DATE: 12-31-01

TO: Shawn Edwards, B54402  
29-33

FROM: *Lorne Kennay*  
Lorne Kennay, Office Administrator IV  
Record Office

SUBJECT: MSR Term

As you are aware, you were released from IDOC custody on 1-12-86 on Bond and did not return to custody until 11-18-97. Since your sentence was not reduced or overturned, the 1 year 10 months and 12 days that you were in the free community is added to your sentence. You have not been in continuous custody since 1-1-93, which is your original custody date ordered on March 23, 1994.

On the current release date of 8-7-2004, you will be required to do a complete 3-year MSR term per statute 730ILCS5/5-8-1(d).

I trust this addresses your concerns.

/master file

PEOPLE OF THE STATE OF ILLINOIS VS.

CASE  
NO.

93 CR 02364

DATE

PAPERS FILED

INDICTMENT/INFORMATION FILED IN THE CLERK'S OFFICE - 2-18-93

BAIL PREVIOUSLY SET \$150,000.00

DATE

JUDGE

ORDERS ENTERED

AT BASTONE #211

FFB 181993

NO ARRAIGNMENT

JUDGE

Tamm

3/4/93 Thomas MC in PNC Law PD appointed  
 11:15 time B/A 3/4/93  
 Bond is \$100,000.00

2-93 Clerk There was rec'd & filed in the  
 office clerk's office a petition for  
 substitution of counsel

4/93 Thomas MC Map Dept of Justice  
 Thomas vs. Gregory Marshall  
 Chief Judge

5-93 Nimal (C) B/A 4-2-93 + m/D for Disc.

6-93 Nimal (C) B/A 5/21/93

11/93 Nimal (C) B/A 6-8-93 +

12-93 Nimal (C) m/D Am to Disc.  
 B/A 7-19-93 +

(13-81)

(OVER)

C2

STATE OF THE STATE OF ILLINOIS VS.

EDWARDS,

SHAWN

CASE  
NO.

93-CR 2364

MURDER

PAPERS FILED

No File

DATE	JUDGE	ORDERS ENTERED
12 1995	Hemel	B/A 9-11-95
11 1995	Hemel	M/D 9-11-95
11-95	Hemel	M/D 13-11-95
31 98	Hemel	State files Motion & D Comiss
11 1995	Hemel	M/D left Post Conviction Relief is granted Motion State needs to be re-evaluated Def is granted A New Trial M/D 12-26-95 @ for trial
29	CLERK	NOTICE OF v/c order GRANTING A NEW trial mailed to: SHAWN Edwards-B54402 2600 NO. BRINTON AVENUE DIXON, ILLINOIS 61021

(OVER)

C8

JUDGE

ORDERS ENTERED

1996 Hemel PP (first) All present  
 Bond hearing set at \$150,000.00  
 T. Bond # I 253570  
 B/A 2-15-96

1.5 1996 Hemel PP (3) All Solicitor present  
 B/A 4-18-96 @ for hearing

1996 Hemel B/A 4-22-96 @ for hearing

2-22-96 Hemel PP (3) M/O 5-13-96 @ for

1996 Hemel PP (3) All Winston present  
 Post Conviction Scott Co  
 Motion State Attorney  
 and Redacted after hearing  
 Filed affidavit / Edwin Kropp  
 Certificate filed Ill Dept Prof  
 Regulation Director Mike M. Zoller  
 B/A 6-21-96

1 1996 Hemel PP (3) All Winston present  
 State filed Appeal on Post  
 Conviction Ruling Transferred  
 Chap. New PO Date 6/13-96

C9

PEOPLE OF THE STATE OF ILLINOIS VS.

CASE  
NO.

9305-2364

Edwards, Shawn <sup>01</sup>

## PAPERS FILED

DATE

DATE

JUDGE

ORDERS ENTERED

CLERKS OFFICE

NOTICE OF APPEAL FILED 5-30-96

NOTICE OF APPEAL MAILED 6-4-96

APPELLATE HEARING DATE ASSIGNED BEFORE  
PRESIDING JUDGE ON JUN 07 1996

07 1996

T.R. FITZGERALD

O/C

☐

STATE APPELLATE DEFENDER

☐

PUBLIC DEFENDER

☐

PRIVATE ATTORNEY

☒

OTHER

States Attorney

APPOINTED TO REPRESENT THE DEFENDANT ON THE APPEAL

☒

FREE REPORT OF PROCEEDINGS, ALLOWED

☐

FREE REPORT OF PROCEEDINGS, DENIED

3-96

01 1996

Heinel

PP

PP (3-81)

(OVER)

C10



IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

SHAWN EDWARDS,  
PLAINTIFF

V.

CASE NO. 93 CR 2364

JERRY L. STERNES,  
WARDEN.

MOTION FOR ORDER NUNC PRO TUNC

COMES NOW PLAINTIFF, SHAWN EDWARDS, PRO SE, AND RESPECTFULLY MOVES THIS HONORABLE COURT TO ENTER AND ISSUE AN ORDER NUNC PRO TUNC, CORRECTING TO REFLECT THE MITTIMUS ISSUED IN THE ABOVE-CAPTIONED MATTER. SAID ORDER WOULD PROVIDE THAT THE PLAINTIFF WOULD RECIEVE ALL TIME SPENT IN CUSTODY, AND THAT THE (MSR) TERM IS TO BE "INCLUSIVE" WITHIN THE DETERMINATE SENTENCE IMPOSED BY THIS COURT AND WILL BE RELEASED IN A TIMELY MANNER.

IN SUPPORT OF SAID MOTION, THE PLAINTIFF STATES AS FOLLOWS:

- (1) PLAINTIFF WAS SENTENCED TO SERVE TWENTY YEARS UNDER THE UNIFIED CODE OF CORR. 38 § 1003-6-3(a)(2) DAY FOR DAY SUBJECTING HIM TO SERVE A TOTAL OF TEN YEARS MAXIMUM IMPOSED SENTENCE.
- (2) THE MITTIMUS ISSUED BY THE COURT AT THE TIME OF SENTENCING FAILED TO REFLECT THE TIME, SAID DEFENDANT, WAS TO SPEND "IN CUSTODY", AND THE TIME OF HIS (MSR) TERM.
- (3) IN ACCORDANCE WITH U.C.C. 38 § 5-8-1(d) AND 730 ILCS 5/5-8-1(d) WHICH CARRIES A 3-YEAR TERM OF MSR FOR FIRST DEGREE MURDER OR A CLASS X FELONY IT STATES IN PERTINENT PART: EXCEPT WHERE A TERM OF NATURAL LIFE IS IMPOSED, EVERY SENTENCE SHALL INCLUDE AS THOUGH WRITTEN THEREIN A TERM IN ADDITION TO THE TERM OF IMPRISONMENT....FOR THOSE SENTENCED ON OR AFTER FEBRUARY 1, 1978, SUCH TERM SHALL BE IDENTIFIED AS A MANDATORY SUPERVISED RELEASE TERM.
- (4) WHERE THIS PLAINTIFF HAS SERVED OVER, THE PERIOD OF INCARCERATION PERSUANT THE STATUTE, HE IS ENTITLED TO BE RELEASED IN ACCORDANCE WITH HIS JUDICIALLY IMPOSED SENTENCE TO SERVE HIS MSR TERM OF THREE YEARS PRESCRIBED BY LEGESLATION.
- (5) COMPLIANCE WITH SUPREME COURT RULE 402(a)(2) MANDATES THAT A DEFENDANT BE TOLD PRIOR TO SENTENCING THAT HE MUST ADDITIONALLY SERVE A PERIOD OF SUPERVISED RELEASE. [see people v. smith, 676 n.e.2d 224 at 706]. THREE YEARS IS CONSISTANT WITH THE STATUTORY REQUIREMENTS OF THE UNIFIED CODE OF CORRECTIONS. SEE 730 ILCS 5/5-8-1(d)(1) (west 1994); U.S.C.A. CONST. AMEND. 14; SUP. CT. RULE 402(a)

**AFFIDAVIT**

I, SHAWN EDWARDS, being duly sworn do depose and state that the attached MOTION is true and correct in substance and fact to the best of my knowledge.

Subscribed and sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_, 2000

Notary Public

Expiration of Commission

/s/

Shawn Edwards  
Petitioner

# B5440L

Dixon

P.O. Box 1200

Dixon

Dixon

Correctional Center

Illinois, 61021

**NOTICE OF FILING**

TO: CIRCUIT COURT COOK

TO: ILL.ATTY.GEN, OFFICE

TO: \_\_\_\_\_

2650 S. CALIFORNIA AVE.

100 W. RANDOLPH, ST. 12th. fl.

CHICAGO, IL. 60608

CHICAGO, IL. 60601

Please take notice on JANUARY 2, 2002 I filed with CIRCUIT  
OF COOK COUNTY Court the attached MOTION HANCING, 2/3 copy(ies)  
HABERIS CORPUS  
of which are served on you.

/s/

Shawn Edwards

**AFFIDAVIT OF SERVICE**

STATE OF ILLINOIS]

] SS

COUNTY OF ]

I, SHAWN EDWARDS, being sworn state that I served the attached notice on the above named person(s) by placing a true and correct copy in an envelope(s), addressed as shown above, with the proper U.S. postage on each and deposited the envelope(s) in the U.S. Mail at Dixon, Illinois, 61021, on or about the hour of 6:42 P.m m. on JAN. 2, 2002.

/s/

Shawn Edwards

Subscribed and sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 2000.

Notary Public

Expiration of Commission

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS )  
 )  
 **SHAWN EDWARDS** Plaintiff, )

**VS.**

Case No. **93 CR 2364**

**PEOPLE OF THE STATE** Defendant.

ORDER

IT IS HEREBY ORDERED that the mittimus issued in the above-captioned case be corrected to reflect credit for all days served against same. And that the mittimus reflect that the msr term be inclusive with-in his determinate sentence imposed by the court.

DATED: \_\_\_\_\_

Chief Judge Presiding

RECEIVED

JAN 08 2001

CLERK OF THE CIRCUIT COURT  
CRIMINAL DIVISION

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Cook  
County,

(Municipal)

DEPARTMENT

(Division)

Crim Div

157

(District)

People of the State of Illinois

v.

Defendant

No.

93CR2364 B54402

SHAWN EDWARDS

ORDER OF SENTENCE AND COMMITMENT TO  
ILLINOIS DEPARTMENT OF CORRECTIONS

The defendant having been adjudged guilty of committing the offenses enumerated below,

IT IS ORDERED that the defendant SHAWN EDWARDS  
be and he is hereby sentenced to the Illinois Department of Corrections as follows:

On 3-23-94 the Honorable Gerald A. Mindel  
sentenced the defendant to a term of  
TWENTY (20) years IDOC  
credit time served 1-1-93 to 3-23-94

Count 1 merges with count 2

	Ill. Rev. Stat.	Ch.	Sec.	Par.
Offense <u>Murder ct 2</u>		<u>38</u>	<u>9-1</u>	<u>A(2)</u>
Offense _____		Ch. _____	Sec. _____	Par. _____
Offense _____		Ch. _____	Sec. _____	Par. _____
Offense _____		Ch. _____	Sec. _____	Par. _____

IT IS FURTHER ORDERED that the Clerk of the Court shall deliver a copy of this order to the Sheriff of Cook County.

IT IS FURTHER ORDERED that the Sheriff of Cook County shall take the defendant into custody and deliver him to the Illinois Department of Corrections.

IT IS FURTHER ORDERED that the Illinois Department of Corrections shall take the defendant into custody and confine him in the manner provided by law until the above sentence is fulfilled.

PREPARED BY: M M Namara  
Deputy ClerkDATED: 3-23-94 BRANCH CT. Rm 205

ENTER:

Judge

CODE #

## INSTRUCTIONS

CLERK is requested to insert in the appropriate spaces above (1) each sentence and conditions thereof, including the condition that the sentence shall run concurrently or consecutively, as the case may be, with other sentences imposed by the court in this case, or other sentences imposed by courts in other cases; and (2) fill in the following information:

Name and address of counsel for defendant

M M Seitch

Police Individual Record No.

1014407

Illinois Bureau Identification No.

03160685

CLERK OF THE CIRCUIT COURT OF COOK COUNTY

## MERITORIOUS GOOD TIME WHEN SENTENCE IS DETERMINATE UNDER 1978 LAW

NAME Alvin E. Smith NUMBER B54402 DATE 5-24-95

## (STEP 1)

Yr. Mo. Day

90M67  
(Meritorious Good Time Awarded  
By The Director On 5-1-99)

## (STEP 2) (MITTIMUS NUMBER \_\_\_\_\_)

## PROJECTED OUT DATE

Yr. Mo. Day

93 1 1

(Custody Date)

(Sentence Less G.C.C.)

+	<u>10</u>			
	<u>2003</u>	<u>1</u>	<u>1</u>	
				(Projected Out Date or PRB Projected Out Date)
(For-)	<u>1</u>	<u>10</u>	<u>10</u>	
	<u>2004</u>	<u>11</u>	<u>7</u>	(Previous Time -Lost/Awarded)
				(Projected Out Date)
-	<u>3</u>			
	<u>2004</u>	<u>8</u>	<u>7</u>	(Meritorious Good Time)
				(Adjusted Projected Out Date)

## (NOTATION)

Yr. Mo. Day

(Recustody Date)

(Bond, Escape, Etc.)

(Time Lost)

Adj. Proj. Out Date 8-7-2004Terminal Operator TRCalculated By TRDate Entered 5-24-95

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)

Plaintiff, )

Case No. B-54402

vs. )

SHAWN EDWARDS

Defendant, )

MOTION FOR AMENDED MITTIMUS

COMES NOW defendant, SHAWN EDWARDS, pro se, pursuant to Chapter 735 ILCS sec. 5/2-1801 (1995), and humbly requests this Court to grant his/her Motion for Amended Mittimus in the above-captioned cause. In support of this request, defendant states

1. Defendant is presently incarcerated at the Dixon Correctional Center in Dixon, Illinois, 61021, serving a TWENTY year sentence for the offense of FIRST DEGREE MURDER following a conviction in the Circuit Court of COOK county before the Honorable Judge RONALD HIMEL R.M. 404 on MARCH 23, 1994.  
(Copy of mittimus attached.)

2. DEFENDANT WAS GRANTED A NEW TRIAL ON DEC. 11, 1995 AND RELEASED ON I BOND ON JAN. 12, 1996. DEFENDANT REMAINED UNDER THE STATES RESTRICTIONS FOR ONE YEAR AND TEN MONTHS WHILE THEY APPEALED. DEFENDANT WAS PLACED BACK IN CUSTODY ON NOV. 18, 1997.
3. THE DEPT. OF CORRECTION TOOK THE TIME SPENT ON BOND. UNDER RIVERA V. SHERIFF OF COOK COUNTY 8 F. SUPP. 2d 763 (N.D. ILL. 1999). DEFENDANT FEELS HE SHOULD BE CREDITED FOR TIME TAKEN AWAY.

WHEREFORE, defendant, SHAWN EDWARDS prays the Court grant the motion for amended mittimus reflecting the above stated changes and that a copy of said mittimus be forwarded to the Records Office at Dixon Correctional Center.

Respectfully submitted,

Shawn Edwards  
Defendant, pro se

REFERENCE INMATE NUMBER B-54402

**AFFIDAVIT**

I, SHAWN EDWARDS, being duly sworn do depose and state that the attached MOTION is true and correct in substance and fact to the best of my knowledge.

/s/

SHAWN EDWARDS  
Petitioner

Subscribed and sworn to before me  
this 18th day of Sept., 2000

# B-54402

DIXON Correctional Center

P.O. Box 1200

DIXON, Illinois, 61021

Notary Public CAROLE S. O'NEAL

Notary Public, State of Illinois

Expiration of Commission 05/01/2002

**NOTICE OF FILING**

TO: CLERK OF THE COURT

TO: COOK COUNTY STATES ATT. TO:

2650 S. CALIFORNIA AVE.

2650 S. CALIF. AVE. 14th. fl.

CHICAGO, IL. 60608. 5th. fl.

CHICAGO IL. 60608

Please take notice on SEPT. 18, 2000, I filed with THE  
CIRCUIT Court the attached MOTION AMENDED MITTIMUS. 3 copy(ies)  
of which are served on you.

/s/

**AFFIDAVIT OF SERVICE**

STATE OF ILLINOIS]

] SS

COUNTY OF LEE ]

I, SHAWN EDWARDS, being sworn state that I served the attached notice on the above named person(s) by placing a true and correct copy in an envelope(s), addressed as shown above, with the proper U.S. postage on each and deposited the envelope(s) in the U.S. Mail at DIXON, Illinois, 61021, on or about the hour of \_\_\_\_\_ m. on SEPT. 18, 2000.

/s/

Subscribed and sworn to before me this

18th. day of SEPT., 2000.

Notary Public Carole S. O'Neal

Expiration of Commission 5/1/2002

"OFFICIAL SEAL"  
CAROLE S. O'NEAL  
Notary Public, State of Illinois  
My Commission Exp. 05/01/2002

TO THE HONORABLE RONALD HIMEL RM.404

PETITIONER, SHAWN EDWARDS ASK' THIS HONORABLE COURT TO CREDIT THE TIME LOST ON BOND. PETITIONER HAS LOST ONE YEAR AND TEN MONTHS WHILE THE CASE WAS STILL PENDING. PETITIONER STRONGLY FEELS HE IS ENTITLED TO THIS TIME DUE TO THE FACT HE WAS STILL UNDER STATE RESTRICTIONS. UNDER HENSLEY V. MUNICIPAL COURT, 36 L.ED.2d294. ESTABLISHING THAT A PERSON RELEASED ON BAIL ON HIS OWN RECOGNIZANCE IS IN CUSTODY. PETITIONER HAS COMPLIED WITH ALL TERMS AND CAME TO COURT ON ALL COURT DAYS REQUESTED. PETITIONER HAS A CHILD AND A WIFE AND LIVES A POSITIVE PRODUCTIVE LIFE. IT IS IN THE INTEREST OF THE COMUNITY THAT THIS PETITIONER BE RELEASED AS SOON AS POSSIBLE. THE CITIZENS AND TAX PAYERS OF THIS STATE FROM THE CHURCH OF GOD 4601 S.DREXEL, HAS SPECIFIC INTEREST IN THIS CASE. THE PETITIONER HAS BEEN A MEMBER SINCE HE WAS A CHILD. PETITIONER HAS NOT BEEN IN ANY TROUBLE SINCE HIS INCARCERATION AND WAS AWARDED (90 days) GOOD TIME. WEREFORE, PETITIONER PRAYS THIS HONORABLE COURT CREDIT HIS YEAR AND TEN MONTHS LOST ON BOND. PETITIONER DID NOTHING TO LOSE THIS TIME AND IT IS EXTREME TO PUT ALL OF THIS BEHIND HIM.

RESPECTFULLY,  
SHAWN EDWARDS  
# B-54402  
2600 N.BRINTON AVE.  
DIXON IL. 61021  
*Shawn Edwards*



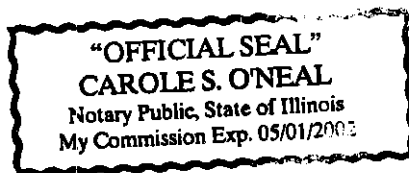
STATE OF ILLINOIS )  
 )  
COUNTY OF LEE ) SS

AFFIDAVIT

SHAWN EDWARDS, deposes and says that as to the matters herein, HE is the defendant in the above entitled cause; that HE has read the foregoing document, by HIM signed, and that the statements contained therein are true in substance and in fact.

Shawn Edwards  
SHAWN EDWARDS R-54402  
pro se

Signed before me this 18th day of Sept, 2000.

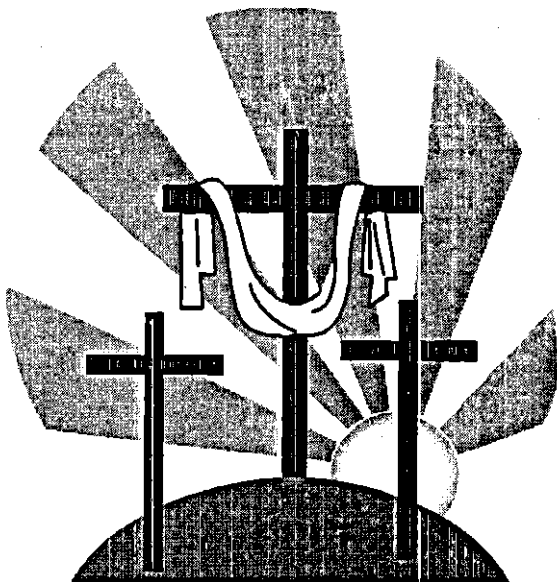


Carole S. O'Neal  
Notary public

**September 15, 2000**

**These are the people from The Church of God 4601 S. Drexel Blvd. Chicago, IL 60653, who feel that Shawn Edwards is being incarnated unjustly and his constitutional rights are being violated, please help in anyway you can.**

**Sincerely, Family and Friends**



4301

1 STATE OF ILLINOIS )  
2 COUNTY OF COOK ) SS:

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
4 COUNTY DEPARTMENT-CRIMINAL DIVISION

5 PEOPLE OF THE STATE OF ILLINOIS )

6 -vs- )

No. 93 CR 2364

7 SHAWN EDWARDS )

8 REPORT OF PROCEEDINGS had at the

9 hearing of the above-entitled cause before the Honorable Ronald  
10 A. Himel, one of the Judges of said Division, on the 20th day of  
11 April, A.D., 2001.

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13 PRESENT:

14 MS. RITA FRY, Cook County Public Defender by  
15 MR. MARTIN KELLY, Assistant Public Defender.

I N D E X

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August 3, 2001

B1-B4

PC Denied

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RDX

RCX

B2

I N D E X

Date of Hearing: 9-13-01

Page Numbers: C-1 through C-4

PROCEEDINGS

Ruling ..... 3

1 THE COURT: Shawn Edwards.

2 MR. KELLY: Judge, this is a case where I believe the case  
3 was remanded and he was out on bond. And we tried it and he  
4 filed a PC asking for time credit while out on bond and he asked  
5 for paperwork.

6 I can't find anything to support the proposition that  
7 he's entitled to time out on bond awaiting trial unless it's  
8 something like possibly home confinement or E.M. and that. No  
9 case law I can find in support of that.

10 THE COURT: Defendant's motion for time consideration as PC  
11 denied.

12 (Which were all the proceedings had)

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1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF C O O K )

4 I, ELIZABETH A. REYES, Official Shorthand Reporter of  
5 the Circuit Court of Cook County, County Department-Criminal  
6 Division, do hereby certify that I reported in shorthand the  
7 evidence had in the above-entitled cause and that the foregoing  
8 is a true and correct transcript of all the evidence heard.  
9

10 Elizabeth A. Reyes  
11 Official Shorthand Reporter  
12 License No. 084-001910  
13 Circuit Court of Cook County  
County Department  
Criminal Division

14 Dated this 7th day of February A.D., 2002.  
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1 STATE OF ILLINOIS )

2 ) SS.

3 COUNTY OF COOK )

4 IN THE CIRCUIT COURT OF COOK COUNTY

5 COUNTY DEPARTMENT-CRIMINAL DIVISION

6  
7 THE PEOPLE OF THE )

8 STATE OF ILLINOIS )

Case No. 93 CR 2364

9 VS )

Charge: PC

10 SHAWN EDWARDS )

11 REPORT OF PROCEEDINGS

12 REPORT OF PROCEEDINGS of the hearing before the  
13 Honorable RONALD HIMEL, Judge of said court, on the 3rd day  
14 of August, A.D., 2001.

15 APPEARANCES.

16 HONORABLE RICHARD DEVINE.

17 State's Attorney of Cook County, by  
18 MS. KIMELLEN CHAMBERLAIN,  
Assistant State's Attorney,  
For The People Of The State Of Illinois.

19 No appearance for the defendant.

20  
21  
22  
23 SAMMA FREEMAN, CSR.  
OFFICIAL COURT REPORTER  
2650 S. CALIFORNIA AVE.  
24 CHICAGO, ILLINOIS 60608



1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF C O O K )

4 IN THE CIRCUIT COURT OF COOK COUNTY  
5 COUNTY DEPARTMENT - CRIMINAL DIVISION

6 THE PEOPLE OF THE )  
7 STATE OF ILLINOIS )

8 vs. )

9 SHAWN EDWARDS )  
10 )

) No. 93 CR 2364

) Post-Conviction  
)

11  
12 REPORT OF PROCEEDINGS of the ruling  
13 heard before the Honorable RONALD A. HIMEL,  
14 on Thursday, the 13th of September, 2001.  
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Nancy C. LaBella, CSR, RPR, CRR  
Official Court Reporter  
CSR License Number 084-002970

1 THE CLERK: Shawn Edwards.

2 THE COURT: He already had one PC. I read his motion.  
3 It's more in a motion for executive clemency than it is a  
4 PC. It has no merit to it. I'm denying -- I don't think  
5 it's a PC, so whatever he's filed I've denied. I don't have  
6 jurisdiction. His last post-conviction was heard by the  
7 presiding judge and denied. So the defendant's motion is  
8 denied. Court lacks jurisdiction.

(Which were all the proceedings had in  
the above-entitled cause on said date.)

STATE OF ILLINOIS )

)

COUNTY OF C O O K )

I, NANCY C. LA BELLA, CSR, RPR, CRR, Official Court Reporter, County Department, Criminal Division, do hereby certify that I reported in machine shorthand the proceedings had in the above-entitled cause; that I thereafter caused to be transcribed into typewriting the above Report of Proceedings, which I further certify is a true and correct transcript of the proceedings had before the Honorable RONALD A. HIMEL, Judge of said Court.

A handwritten signature in cursive script, reading "Nancy C. LaBella", is written over a horizontal line.

Nancy C. LaBella, CSR, RPR, CRR

Official Court Reporter

License Number 084-002970